IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24846 of 2004

Between:

IC-42916 LT COl K.Madhava Rao S/o Sri K.Pullaiah
Occupation: Administrative Officer, 1 Andhra EME Unit NCC, Presently

Attached to NCC Group Headquartes, Plot No.115 II Floor Amardeep

Complex Opp: BHEL Enclave, Akbar Road, Tadband Secunderabad

[AP]- 500 009

..... PETITIONER

AND

1 The Union of India, Through The Secretary Ministry of Defence, Govt of India
New Delhi-110 011
2 The Director General NCC, RK Puram , New Delhi-110 066
3 The Station Commander, Station HQ, Secunderabad [AP] -500 010
4 The Deputy Director General NCC Directorate [AP],
Secunderabad. [AP]
5 The Commander NCC Group HQ, 115 II Amardeep Complex,
Opp: BHEL Enclave ,Akbar Road, Tadband ,

Secunderabad[AP]-500 009
6 The Commanding Officer 1 Andhra EME Unit NCC, Plot No.218,

First Floor Gunrock Enclave, Secunderabad[AP]-500 009
7 Air Commodore James Sebstian Deputy Director General NCC

Malhotra Enclave General Chodhary Road, Secunderabad[AP]

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or a direction, more particularly one in the nature of Writ of Mandamus directing/declaring the action of the respondent herein. "Declare the action of 7th Respondent herein as the holder of 2nd Respondent office in denying the petitioner herein his right to avail 60 days annual leave for the year 2004 as being actuated by bias, malice and prejudice and having no nexus with either the petitioner's service conditions or National Emergency or Demands of Service and therefore violative of petitioner's Fundamental Right guaranteed under Art. 14,16, 21 and 23 of the Constitution of India and thus ULTRA VIRES",

Counsel for the Petitioner: MR.VISHAL SAXENA

Counsel for the Respondents: Addl.S.C. for Central Government.

The Court made the following:

ORDER:

For denying the petitioner's right to avail 60 days annual leave for the year 2004, the present writ petition is filed.

The petitioner made an application on 21.12.2004 for grant of annual leave for 60 days to the 4th respondent, but no orders have been passed.

Heard the learned counsel for the petitioner and the learned Additional Standing Counsel for the Central Government.

Whether the petitioner is entitled for annual leave or not, it has to be decided by the 7th respondent in accordance with rules governed in the service conditions of the writ petitioner. Therefore, the 7th respondent is directed to dispose of the application of the petitioner today or tomorrow since the leave entitlement of the writ petitioner would be lapsed by 31.12.2004.

The Writ Petition is accordingly disposed of. No order as to costs.

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30.12.2004

NOTE:

Issue Operative portion

By wire at party's costs

Immediately.

B/o

Dsr

To:

1. The Secretary, Ministry of Defence,

The Union of India, Government of India, New Delhi –

110011

2. The Director General NCC, RK Puram,

New Delhi – 110 066

3. The Station Commander, Station HQ, Secunderabad

4. The Deputy Director General NCC Directorate (AP)
Secunderabad

5. The Commander NCC Group HQ, 115 II Amardeep Complex,
Opp: BHEL Enclave, Akbar Road, Tadband, Secunderabad

6. The Commanding Officer 1 Andhra EME Unit NCC,
Plot No.218, First Floor Gunrock Enclave, Secunderabad

7. Air Commodore James Sebstian Deputy Director General,
NCC Malhotra Enclave, General Choudhary Road,
Secunderabad

8. Two CD copies.